

REMARKS

Claims 1-24; 26; 27; 29 to 34; and 36 to 39 are canceled.

Independent method claim 25 has been amended and constitutes the sole independent claim. Claim 28 has been amended to be a method claim dependent upon claim 25. New method claims 40 and 41, also dependent upon method claim 25, have been added.

Claims 25; 28; 35; 40; and 41 remain in the application.

The claims presented earlier during prosecution have been rejected based upon Folden US 5,221,267 and/or Pond (US 3,087,728). Independent method claim 25 has been amended with these rejections in mind.

As defined in amended method claim 25, a method of using a novelty sports apparatus having a shaft comprising a resilient polymer material having an elastic memory to allow bending of the shaft from an original generally straightened condition in response to a bending force and the return of the shaft to the original generally straightened condition once the bending force is removed. The shaft also includes an annular score line about which the shaft resiliently bends until a maximum bend angle of at least 25 degrees is reached and along which the shaft breaks when the maximum bend angle is exceeded. As defined in amended method claim 25, the method includes applying a bending force to bend the shaft from the original, generally straightened condition to a bend angle less than the maximum bend angle to achieve a cartoon-like bend as shown in Fig. 2.

As also defined in amended claim 25, the method includes the selecting of two bend options (1) and (2). Bend option (1) comprises comprising releasing the bending force to allow the resilient return of the shaft to the original, generally straightened condition. Bend option (2) comprises continuing to apply the bending force to bend the shaft beyond the maximum bend angle to break the shaft as shown in Fig. 2a.

In Folden and Pond, the apparatus is intended to perform but one option – to break upon bending. Neither Folden nor Pond teaches or suggests a method of using a novelty sports apparatus that includes a purposeful bending step and a purposeful selecting step between two different bend options, one of which breaks the shaft and the other one of which does not. Also, neither Folden nor Pond teaches or suggests creating a bend angle of at least 25 degrees to achieve a cartoon-like bend as shown in Fig. 2, before proceeding with different bend options (1) or (2). There is nothing in Folden or Pond that teaches or suggests or contemplates this purposeful sequence of steps, in

which there is an initial bending of a shaft up to prescribed bend angle of at least 25 degrees that achieves a desired dramatic effect, and the selection of subsequent bend options to achieve diametrically different humorous end results.

Reconsideration in view of the foregoing amendments and remarks and allowance of claims 25; 28; 35; 40; and 41 is respectfully requested.

Respectfully Submitted,

By

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